

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTONIO T. DELGADO,	§
	§ No. 633, 2008
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ Cr. ID No. 91K02862DI
	§
Plaintiff Below-	§
Appellee.	§

**ORDER**

This 29<sup>th</sup> day of January 2009, it appears to the Court that, on January 6, 2009, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) and Del. Code Ann. tit. 10, § 1051 due to the Court's lack of jurisdiction to entertain an appeal when no final order has been issued. The appellant has failed to respond to the notice to show cause within the required ten-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice